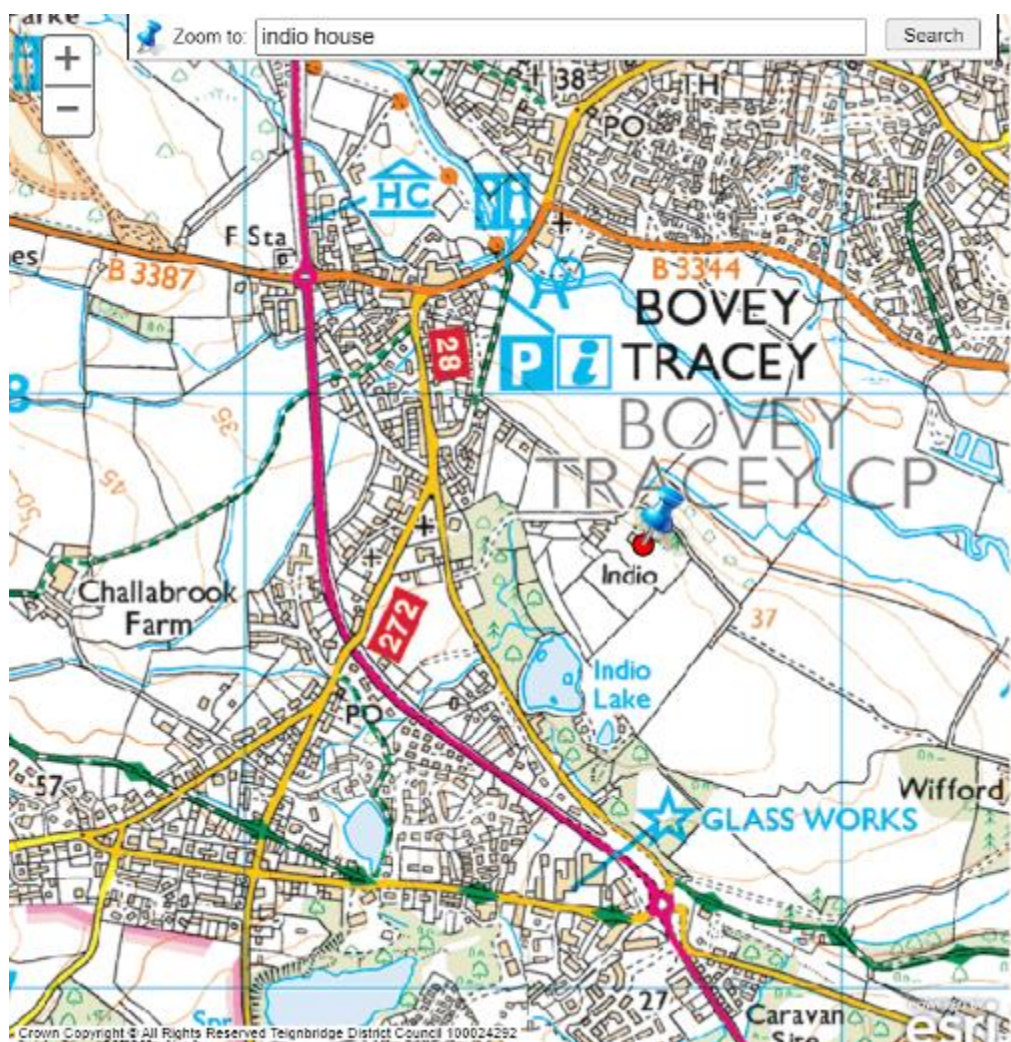


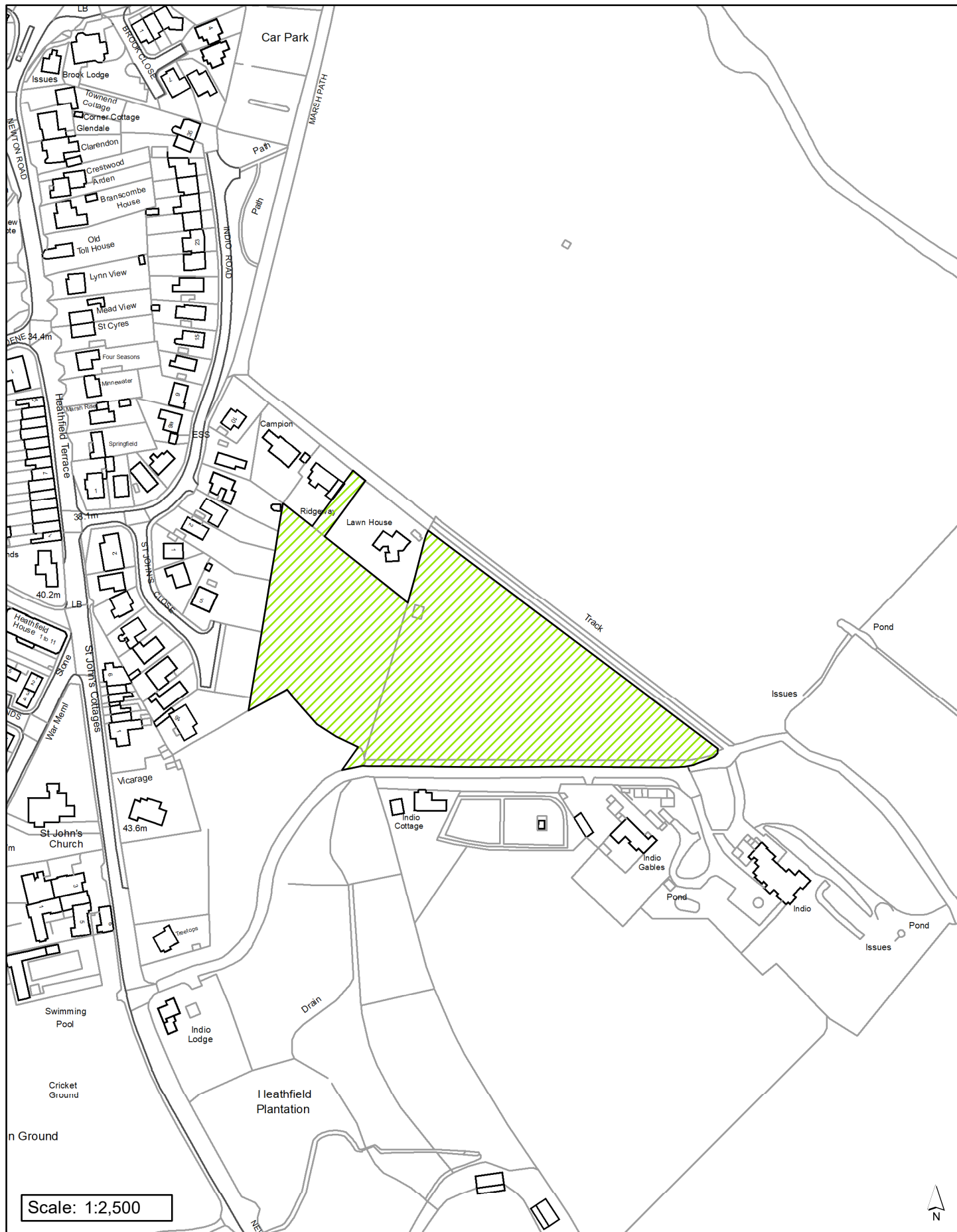
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 20/00647/MAJ - Land North Of Indio House, Newton Road - Approval of details for 22 dwellings and associated works (approval sought for appearance, scale, landscaping and layout)	
APPLICANT:	KACH Developments	
CASE OFFICER	Kelly Grunnill	
WARD MEMBERS:	Cllr George Gribble Cllr Avril Kerswell Cllr Sally Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/00647/MAJ&MN	





20/00647/MAJ - Land north of Indio House, Newton Road, Bovey Tracey TQ13 9BG

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1. REASON FOR REPORT

- 1.1 Councillor Kerswell has requested that this application be referred to Planning Committee for determination, if recommended for approval. The reason given is:

- Adverse impact on wildlife, habitats, trees, and other vegetation
- Harm to rare plants/animals
- Lack of infrastructure capacity
- Harmful to the setting of a listed building and its curtilage
- The site has significant archaeological and heritage value
- Increased traffic generation
- Overall impact on the environment following the Town Councils climate emergency declaration

2. RECOMMENDATION

- 2.1 RESERVED MATTERS BE GRANTED subject to conditions covering the following matters, and any additional matters relating to drainage or waste received in advance of consideration of the application by Committee the precise number and form of which to be determined by the Business Manager – Strategic Place under delegated Authority:

1. Development to be carried out in accordance with the approved plans/documents.
2. Development carried out in strict accordance with the approved planting scheme.
3. Scheme for the long term management and maintenance of all landscaping and communal areas (i.e. boundaries, buffer area, landscaping, POS, formal and informal open space, grassland)
4. Protection of the retained grassland area during construction and thereafter as shown in areas A, B, C, and D including lifting and storing the existing grassland turf for relaying over the attenuation system and service runs as set out in submitted plans.
5. Hard boundary treatments shall be undertaken in accordance with the approved Materials schedule. Samples/details to be provided for brick and limestone wall.
6. Development to be undertaken in accordance with the external materials schedule. Samples for the tile hanging, slate, ridge tile and brick shall be submitted to and approved in writing by the Local Planning Authority
7. Notwithstanding the submitted plans, details of the architectural detailing, including door and window reveal, shall be submitted to and approved by the Local Planning Authority.
8. Parking facilities shall be provided and thereafter permanently retained for the parking of vehicles in accordance with the approved Site Plan
9. Refuse storage facilities shall be provided and thereafter permanently retained for storage of waste containers/bins in accordance with the approved Site Plan
10. Full details of carbon reduction measures including consideration of renewable energy technologies and the inclusion of dwellings to be “electric ready” for EV charger provision.
11. Removal of permitted development rights for extensions, roof lights or dormer windows and upward extensions.
12. Removal of permitted development rights for wind turbines.
13. Tree protection during construction

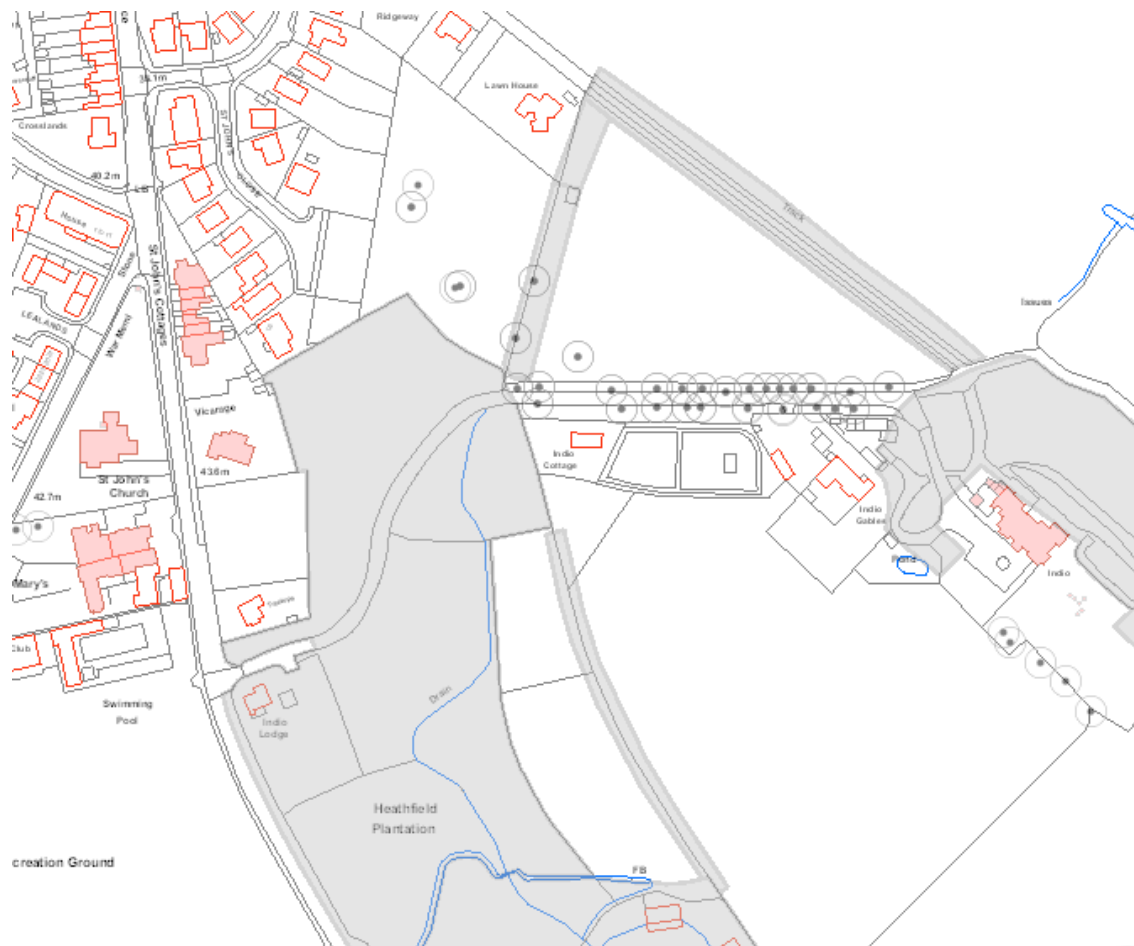
3. DESCRIPTION

Site Description

- 3.1 The application site lies to the north of Newton Road in Bovey Tracey. It extends to approximately 1.5 hectares in size and comprises the BT2A (North of Indio House) site allocation in the Teignbridge Local Plan 2013 - 33. The site is not currently in active use but has been used for low-key grazing in the past.
- 3.2 Indio House is Grade II listed. Some pillars in the garden of the house (to its south east) are separately listed grade II.
- 3.3 The gate pillars and walls at the site entrance are considered to be curtilage listed structures.
- 3.4 A cluster of listed buildings associated with St Johns Church (II*) is present on Newton Road.
- 3.5 The woodlands adjacent to the site are subject to a woodland Tree Preservation Order. The boundary hedges within the site are similarly subject to TPOs.



- 3.6 Listed Buildings are shown on the extract below in pink/red whilst Tree Preservation Orders are marked with circles/in grey.



- 3.7 A number of residential properties on Indio Road and St Johns Close back onto the site. There are also properties accessed off Marsh Path or the Indio House drive that are in proximity to the proposals.

Background and Relevant Planning History

- 3.8 The application comprises the BT2A (North of Indio House) site allocation. Policy BT2A as set out in the Teignbridge Local Plan 2013-2033 allocates land for at least 45 homes.
- 3.9 On 15 May 2018 outline planning permission for the development of the site for up to 30 dwellings (including access) was refused by the Planning Committee (against an Officer recommendation to approve) for the following reasons:
1. *The access drive does not conform to Devon County Council Highways requirements for a shared use residential road accessing over 25 homes, and it has not been demonstrated that it would be possible to bring it up to this standard without having a detrimental effect on the setting of and approach to Indio House, a Grade II Listed Building. The access drive is proposed to be unlit, with no pavements, no edge strips, no kerb stones, and has no structures or legal means for satisfactorily controlling parking along it. The proposal is therefore considered to be contrary to Policies S1 (Sustainable Development criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework (NPPF); and,*
 2. *The exit from the private drive onto Newton Road does not conform to the visibility requirements set out in the Manual for Streets and as such is considered*

unsafe. The proposal is therefore considered to be contrary to Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 and the NPPF.

Pursuant to the refusal, an appeal was submitted to the Planning Inspectorate and the appeal allowed with outline planning permission being granted for up to 30 dwelling at this site, including an approval of the details for access.

3.10 The Inspector's decision can be summarised as follows:

"12. On this main issue I conclude that there is a good prospect that suitable alterations to the junction of the private drive with Newton Road could be achieved such that highway safety concerns would not arise. There would be no conflict with Policy S1 of the Teignbridge Local Plan 2013-2033 (the LP) which seeks to ensure development proposals perform well in terms of road safety."

"17. The site is allocated for housing in the development plan and it is reasonable to assume that the effect of housing on the setting of Indio House was part of the balance of considerations through the preparation and ultimately the adoption of the plan. There would not be any impact on the drive or the setting of Indio House in terms of built form as a result of the private drive being utilised for access purposes. The increased use of the drive would bring about a change to its character. However, with only up to 30 additional dwellings being served by it, the drive would still largely have a quiet character. This being the case, the development would not result in harm to the setting of Indio House."

"19. On this second main issue I therefore conclude that the private drive would be adequate to serve the development and that the setting of Indio House would not be harmed. There would be no conflict with Policies S1, S2, or EN5 of the LP."

3.11 In addition, to the Inspectors assessment of the development with regard to access, highway safety and setting of Indio House, the following key observation is also made which is pertinent to the current RMA consideration:

"21. There has been a general concern that housing development on the site would adversely affect the setting of Indio House. However, as I have indicated above, that would have been a matter considered through the preparation of the LP. This is not something that should be for reconsideration through the determination of a planning application or appeal. The ecological impact of the development can be adequately mitigated through conditions. There is a general concern about the loss of the meadow, however as the site is allocated within the LP, this general loss has already been considered in the local plan process."

3.12 The application was approved subject to conditions including (in summary):

- Submission of RMA for wider development and Custom Build properties
- An improvement scheme for the junction with Newton Road
- A programme of archaeological work, Construction Management Plan (CMP)
- Development to be undertaken in accordance with the approved ecology report, control of lighting to safeguard foraging paths for bats
- No trees to be removed without first being inspected by an ecologist,
- No works pursuant to this planning permission shall be undertaken to the private drive serving the site, including the provision of service run.

- The site layout proposals shall incorporate a buffer to the northern site boundary sufficient to support the maintenance of the tree/hedge line
- The development hereby approved shall provide open space and landscaping in accordance with Policy WE11 of the Teignbridge Local Plan.
- Reserved matters applications for the layout of any phase of the development (excluding any phase solely including self/custom build housing), shall include details of the proposed permanent foul and surface water drainage system as well as details of a temporary surface water drainage scheme for the construction phase.
- Reserved matters applications for any phase of the development (excluding any phase solely including self/custom build housing), shall include a waste audit statement.
- Prior to the occupation of any dwelling hereby approved details of a scheme for the maintenance and management of the private drive

3.13 In addition to the planning conditions, the outline planning permission is also subject to a Section 106 agreement. The Principal Agreement secures the following:

- Affordable Housing: 30% affordable housing at tenure split of 70% affordable rented and 30% affordable buy to be transferred to a Registered Provider. The S106 requires that two of the affordable units should be constructed to accessible and adaptable standard Approved Document M4(2) Category 2
- Custom Build: Provision of 5% custom build plots, to be fully serviced. Plot passports to be provided to potential purchasers to include details on their size and any design and siting parameters.

Proposal

3.14 The application is made pursuant to the approved outline application and seeks Reserved Matter Approval (RMA) for the erection of 22 dwellings, including details for appearance, scale, landscaping and layout.

3.15 An accommodation schedule accompanies the application (red- Plots 1-5, 21 & 22 Affordable Housing, Blue Plots 6 & 7 – Custom Build plots, black Plots 8- 20, 23 & 24 – market housing):

- Plot 1 - three bed affordable rented semi-detached dwelling with GIFA of 93sqm
- Plot 2 - two bed affordable rented semi-detached dwelling with GIFA of 79sqm
- Plot 3 - two bed affordable rented semi-detached Building Regulations M4(2) Accessible & adaptable dwelling with GIFA of 79sqm
- Plot 4 - one bed affordable rented ground floor semi-detached Building Regulations M4(2) Accessible & adaptable apartment with GIFA of 50sqm
- Plot 5 - one bed affordable rented first floor semi-detached apartment with GIFA of 50sqm
- Plot 6 - custom build plot
- Plot 7 - custom build plot
- Plot 8 - three bed open market detached dwelling with GIFA of 134sqm
- Plot 9 - four bed open market detached dwelling with GIFA of 160sqm
- Plot 10 - three bed open market detached dwelling with GIFA of 134sqm
- Plot 11 - three bed open market detached dwelling with GIFA of 150sqm
- Plot 12 - four bed open market detached dwelling with GIFA of 160sqm
- Plot 13 - four bed open market detached dwelling with GIFA of 160sqm

- Plot 21 - three bed affordable shared ownership semi-detached dwelling with GIFA of 93sqm
- Plot 22 - two bed affordable shared ownership semi-detached dwelling with GIFA of 79sqm

The proposed dwellings are two storey, traditional in form with natural slate roofs. They incorporate gabled, hipped and half hipped roofs, which are all present in the Bovey Tracey area. The application states that external brick is proposed to compliment the brickwork to the entrance walls and pillars to Indio House drive and the adjacent gate house. Red clay tile hanging has also been incorporated into some of the plots as well as some dummy chimney stacks to provide historic character that reflects that of Indio House. White upvc windows, French doors, rainwater goods, fascias, barge boards, and soffits are proposed. The front entrance doors and garages will be coloured as shown in the submitted plans.



The site is divided by a wildlife buffer which effectively separates the developed area into two sections. The properties would be arranged around the new road network, with dwellings sitting adjacent to or fronting onto areas of green infrastructure, informal play and the internal roads within the site.



- 3.18 Black tarmacadam access roads are used throughout the development with block paving used in the drives and parking areas to demarcate the private areas and to enhance the courtyard designs.
- 3.19 The development includes a variety of means of enclosure, consisting of traditional Devon planted banks, hedgerows, lime stone or brick wall walls and park style fencing.
- 3.20 An area of formal Public Open Space is provided directly to the west of the access road entering the site. Two further areas of informal space are provided to the west, centred around the mature trees.
- 3.21 Air source heat pumps are proposed to provide heating and hot water to the dwellings.
- 3.22 A drainage strategy accompanies this RMA.

Sustainability/Principle of the Proposed Development

- 3.23 The site relates to allocation BT2A (North of Indio House):

“A site of approximately 1.6 hectares is allocated for residential development at Indio House including:

- a) delivery of at least 45 homes with a target of 30% affordable homes;
- b) measures to address the site's sensitive ecological, built environment and landscape setting adjoining the Grade 2 listed house and driveway, Dartmoor

National Park and any measures necessary to mitigate impacts on greater horseshoe bats;

- c) a safe pedestrian and cycle access to the town centre; and
- d) a bespoke Greater Horseshoe Bat mitigation plan for North of Indio House must be submitted to and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the foraging area within the SAC sustenance zone and adjacent to the strategic flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. The plan must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects.”

- 3.24 The principle of the development and the detailed means of access is established through the grant of outline planning permission (17/02118/MAJ) and through the site’s allocation within the adopted Local Plan under Policy BT2A.
- 3.25 The Reserved Matters application provides details for 22 homes, (with the two custom build plots still outstanding) in accordance with the outline consent which sets a maximum limit of 30 homes. The application includes the provision of custom build and affordable housing in line with the S106 attached to the outline permission, and details required to come forward as part of the reserved matter application have been submitted.
- 3.26 Overall the reserved matters submission is considered to comply with the obligations and requirements set out within the outline planning permission 17/02118/MAJ.
- 3.27 **Therefore, the principle has already been established and the key issues currently under consideration are the remaining reserved matters for which this proposal seeks approval - appearance, landscaping, layout and scale.**

Heritage Considerations

- 3.28 LP Policy EN5 deals specifically with heritage assets. To protect and enhance the area’s heritage, consideration of development proposals should take into account the significance, character, setting and local distinctiveness of any affected heritage asset, particularly those of national importance.
- 3.29 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest in which is possesses.
- 3.30 Reflective of that, the NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.

- 3.31 In accordance with the National Planning Policy Framework, heritage assets are irreplaceable resources and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). As the Local Planning Authority, the NPPF states that we should take into account the ability of new development to make a positive contribution to the local character and distinctiveness when determining applications (paragraph 192) and that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation, irrespective of the level of harm (paragraph 193) and any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification (paragraph 194). Therefore, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme (paragraph 196). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197).
- 3.32 The NPPF defines the setting of a heritage asset as, 'The surroundings in which a heritage asset is experienced'. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 3.33 There is one Scheduled Monument, comprising *Bovey Potteries*. This Scheduled Monument does not lie within the site. There are no Registered Historic Parks and Gardens or Registered Battlefields located within the proposed development site or the study area. The site does not lie within a Conservation Area, although Bovey Tracey Conservation Area extends to within c. 360m to the north of the proposed development site.
- 3.34 The site is not considered to contribute to the significance of the Bovey Tracey Conservation Area, main area or Potteries Area, or the Bovey Potteries Scheduled Monument.
- 3.35 There are a number of listed buildings within 100 metres of the application site including:
- Grade II listed Indio House to the south east (approx. 60m)
 - Grade II Listed 6 Columns In Garden About 15M South-east Of Indio House
 - Grade II listed St Johns Vicarage
 - Grade II* St John the Evangelist Church
 - Grade II Listed 1-6 St Johns Cottages (fronting Newton Road)
 - Grade II Listed St Marys
 - Grade II Listed Direction Post
- 3.36 Letters of representation submitted have raised objection due to the harmful impact the development would have on heritage assets with particular reference to the setting of the Grade II listed Indio House.

- 3.37 The application is accompanied by a Heritage Statement which assesses the impact of this development on the historic environment.
- 3.38 As has been made clear in the Inspector's decision letter for the outline application, there can be no in-principle objection to the development of this allocated site as the impact upon setting is a matter that would have been considered through the preparation of the Local Plan. This is therefore not something that should be re-considered through the determination of the RMA. The proper question to address therefore is whether there is anything in the design or layout of the scheme that makes the impact more harmful than it should be.
- 3.39 The impact of the development with regard to "access" and shared use of the private driveway has already been considered by the Inspector at appeal and the pertinent paragraphs from the Inspector's Decision letter have been quoted in full at paragraphs 3.10 and 3.11 above.
- 3.40 The application site sits within the former landscape of the grade II listed Indio House, a substantial 19th century house set within notable grounds. Its lodge, to the west of the house, forms part of a historic group along with the grade II* listed St John's Church and grade II listed Vicarage, as well as a number of other designated assets, creating a cohesive and attractive streetscape. While later infill development has occurred between it and the main bulk of the settlement to the north the area has retained a sense of its rural character and naturalistic landscaping around the house.
- 3.41 In terms of the design, form, layout of the proposed development and treatment to boundaries, this application has been subject to a number of revisions, led by the TDC Landscape Officer, in order to appropriately address setting and the site's context as described above. The revisions have included strengthening of soft boundaries, alterations to hard boundary treatments as well as to the design and external materials of the proposed dwellings.
- 3.42 Following the revisions to the development, the TDC Landscape Officer has raised no objections on landscape grounds. While evidently this site will make a change to the setting of nearby listed buildings, most notably the Grade II listed Indio House, this change is considered to have *less than substantial harm*.
- 3.43 The NPPF states that: "196. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"
- 3.44 Substantial weight is given to the public benefits of securing housing, in line with the Policy BT2A allocation, even in the presence of a healthy housing land supply. Against the development's 'less than substantial' impact to the setting of listed buildings, taking into account the design, layout, distances and buffer planting is afforded moderate weight, having regard to the duties under s66(1) of the LBCA Act. It is therefore concluded that the benefits of the proposal outweigh any heritage impacts.
- 3.45 For the reasons set out above, the proposed development is considered to be acceptable in terms of setting of those heritage assets set out above, having regard to the requirements of policy EN5 (Heritage Assets) of the Teignbridge Local Plan,

the NPPF and the statutory duty of the Council as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

- 3.46 The proposed development lies in an area of archaeological potential with regard to the Indio Pottery works.
- 3.47 Paragraphs 194 & 197 (mentioned above) of the NPPF are the pertinent policy background with regard to archaeology.
- 3.48 A requirement for further archaeological work has been imposed in the outline application under Condition 6:

6. No development shall commence until the implementation of a programme of archaeological work for the whole site has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 3.49 The impact of the development on archaeology has therefore been addressed under the outline application and with the imposition of Condition 6 this development is considered to be in compliance with paragraphs 194 & 197 of the NPPF.

Impact upon the character and visual amenity of the area

- 3.50 National guidance within the National Planning Policy Framework (NPPF) confirms that good design and creation of high quality buildings and places is a key aspect of sustainable development, and is fundamental to planning. It goes on to say that planning decisions should ensure that developments will function well, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to the local character and history, including the surrounding built environment and landscape setting. Paragraph 170 of the Framework requires development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and respecting the intrinsic value of the countryside.
- 3.51 Policies EN2A: Landscape Protection and Enhancement of the TLP requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge.
- 3.52 Policy S2 of the Local Plan requires new development to be of high quality design which will support the creation of attractive, vibrant places. Designs should be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character. Account should be taken of a number of objectives, inter alia, a) the integration with and, where possible, the enhancement of the character of the adjoining built and natural environment, particularly affected heritage assets; and k) respect for the distinctive character of the local landscape and seascape, and the protection and incorporation of key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets, and skylines.

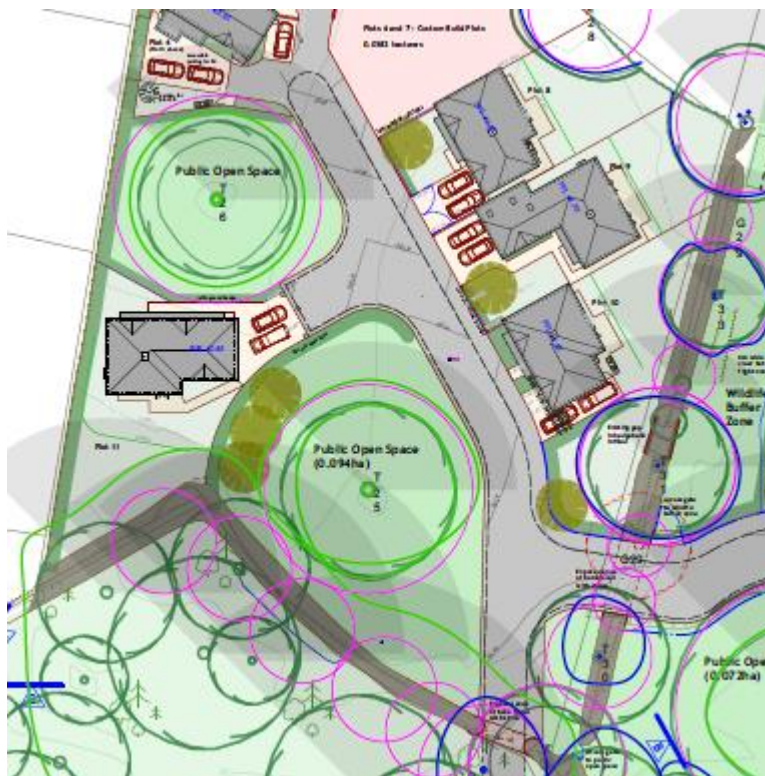
- 3.53 Letters of representation have raised concerns regarding the visual impact of this development and harm to the wider landscape.
- 3.54 The site presently consists of grassland bordered by hedgerows and trees, some of which have TPOs, and has as a rural/edge of settlement character
- 3.55 The site allocation policy BT2A sets out a housing target of at least 45 and therefore a minimum quantum is set as opposed to a maximum figure. Whilst some public representations received in respect of the scheme object to overdevelopment of the site, in this instance, outline planning consent for up to 30 homes has been given. The density of the development is also considered to be considered with the wider Bovey Tracey character.
- 3.56 The design, layout, landscaping and hard surface boundary treatment of the proposed development has been revised on a number of occasions since its initial submission in April 2020. The greatest effort has been made to design a development that sits into this historic context whilst also responding to the distinctive characteristics of this site.
- 3.57 The development has broken up into a series of external spaces, with denser development located at the western extent of the site with lower density at the eastern extent, comprising areas of courtyard with a strong avenue of trees along its southern extent. The courtyard forms also reflect traditional Devon farm courtyards.
- 3.58 As required by Condition 12 of the outline consent, the site layout proposals incorporate a 3m wide landscape buffer to the northern site boundary which includes a shrub planting zone of blackthorn, elder, hazel and quickthorn and retained grassland. Planting is also provided within the site as well as the retention of three mature trees (protected by a TPO). Hard boundaries include walls and estate fencing have been incorporated to reflect the character of Indio House.
- 3.59 Following revisions to this development, the TDC Landscape Officer has raised no objections to the scale, layout or quantum of the proposed development in landscape terms. The development will have inevitable impacts upon the landscape, through the change from an unbuilt landscape to one accommodating development, however, it is considered the development has been designed in a sensitive way that responds to the site.
- 3.60 The submitted details include a landscape management scheme for a 5 year period to ensure the landscaping establishes. It is recommended that a condition is imposed requiring long term management and maintenance of all communal landscaping and open space. In addition, it is considered that samples of some of the details set out in the submitted materials specification should be obtained prior to their use (for example the slate, brick and tile hanging, lime stone walls). A condition is therefore also recommended to secure these details.
- 3.61 The development, subject to imposition of the recommended conditions, is assessed to accord with Policies EN2A and Policy S2 of the TDC LP as well as National Design Guidance.

Trees

- 3.62 Letters of representation have been received raising concerns regarding the impact of this development on TPO trees. The Council's Tree Officer objected to the original submitted plans due to the relationship of the development to existing trees and impact on their RPA.
- 3.63 All of the TDC Senior Arboricultural Officers requirements have been addressed through a redesign and they do not consider that there would be any harmful incursion to RPA's though layout or that areas of earth mounds close to trees would cause any harm. However, the Tree Senior Officer has remained concerned about the location of the dwelling at Plot 11 to TPO Tree T26 (a mature Oak) as well as the potential of over shadowing of the garden serving Plot 11 from existing trees to the south of the site.
- 3.64 As such, the TDC Arboricultural Officer has requested the removal of Plot 11 entirely.



- 3.65 The applicant has advised that the removal of Plot 11 would impact upon the viability of the development and after considering various re-locations for the dwelling, it was agreed that Plot 11 could be substituted with the dwelling at Plot 9 which is a smaller property.



- 3.66 The plot substitution provides a development that fits more comfortably within the site, which is outside of the RPA, and allows a larger proportion of a garden available that wouldn't be over shadowed by trees.
- 3.67 While it is accepted that Plot 11 sits tight between two mature trees, given the significant constraints at this site and that the RMA development of 22 properties (plus 2 custom build plots) is already well below its BT2A up to 45 quantum and the 30 unit quantum approved at outline, it is considered, on balance, the revisions proposed are an acceptable compromise. The relationship to trees is not considered to offer a low amenity value to occupiers at Plot 11 such that reserved matters approval would be refused on this issue.

Impact on residential amenity of the occupiers of surrounding properties

- 3.68 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform well against 10 criterion. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.
- 3.69 Residents living near the site have raised concerns about the impact of the proposals on their amenity. Concerns have been raised within the representations received regarding the potential for overlooking from the proposed houses and the overbearing impact.
- 3.70 The proposed development would be two-storey set at an appropriate distance from the neighbouring properties and separated by the retained hedgerow and trees and new buffer planting. The layout of the proposed development has sought to ensure that the proposed residential units do not immediately abut the site boundaries to ensure there would be no undue overlooking or overbearing impact that would arise for existing residential properties adjoining the site.

- 3.72 The residential amenity of nearby properties will not be unacceptably affected and a high level of amenity will also be provided for occupiers of the proposed residential development.
- 3.73 The proposed development is not considered to cause harm to the residential amenity of the adjacent residential dwellings and would be in-keeping with the local character. The proposed residential units would provide complementary uses to the area and form a logical extension for development of this nature in this location.
- 3.74 Whilst a certain level of disruption during the construction phase is inevitable, the condition requiring the submission and approval of a Construction Management Plan (CMP) imposed in the outline permission would ensure that construction impacts are sensitively managed.
- 3.75 Overall, the scale and massing of the dwellings proposed and the layout of the scheme and its relationship with the existing neighbouring dwellings is considered acceptable, would provide an acceptable level of amenity for future occupiers. The proposed development accords with Policy S1 in this regard.

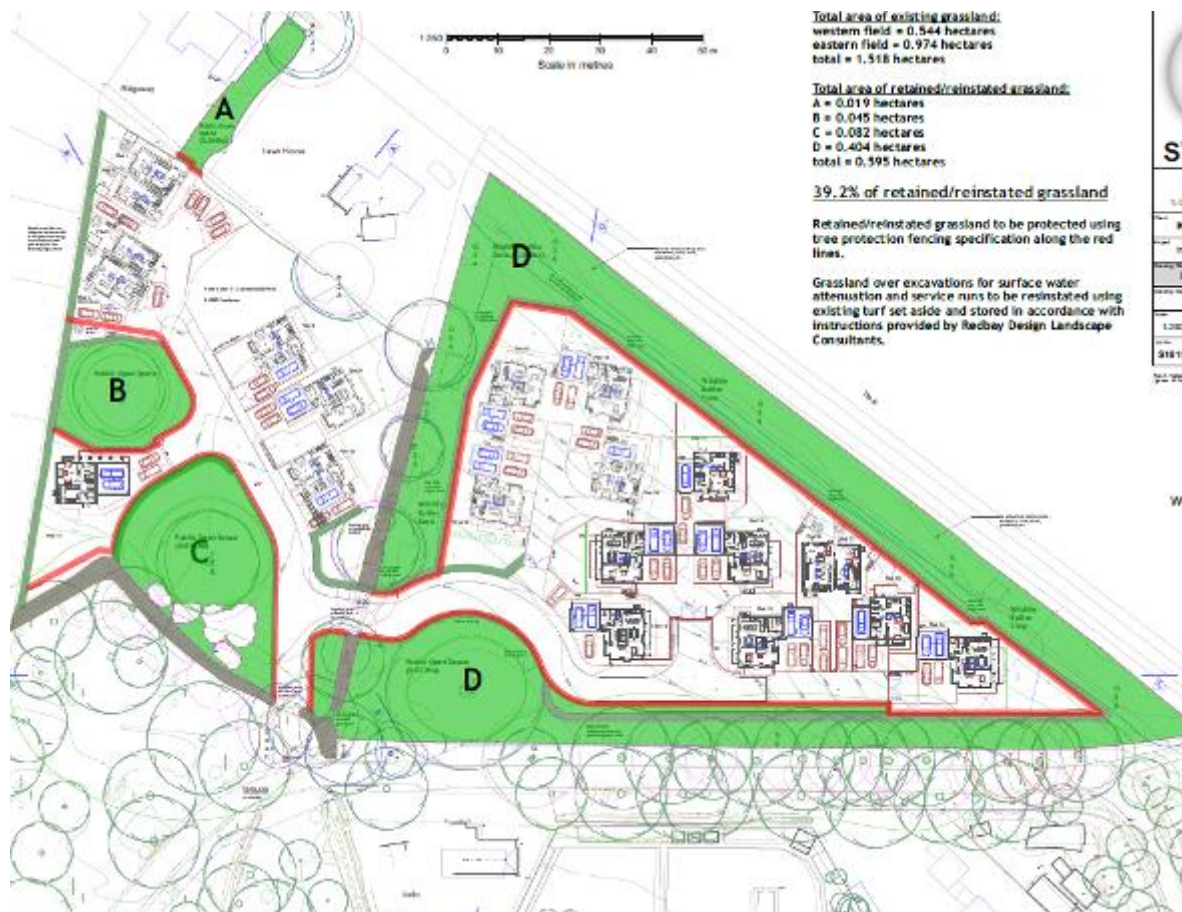
Ecology and Biodiversity

- 3.76 Policies EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites & EN11 Legally Protected and Priority Species are the relevant TLP Policies and require that protected species and habitats are protected and enhanced. Paragraph 175 of the NPPF require development proposals minimise harm to biodiversity and provides opportunities for biodiversity enhancement.
- 3.77 The site lies within a strategic flyway for Greater Horseshoe Bats associated with the South Hams SAC and adjacent to a sustenance zone. As such this development has been screened under The Conservation of Habitats and Species Regulations 2017 (as amended) for Likely Significant Effect on a European site.
- 3.78 Bat activity surveys were undertaken in 2013 and again in 2017. The TDC Biodiversity Officer has confirmed that the 2017 survey is still acceptable as no major changes are thought to have occurred that would affect the bats' use of the site.
- 3.79 As such, as competent authority, Teignbridge District Council concludes that there would **not** be Likely Significant Effects 'alone' or 'in-combination' on features associated with the South Hams SAC. A full Appropriate Assessment of the plan or proposal will **not** be necessary. Natural England has raised no objections to this screening conclusion.
- 3.80 The site is well used by at least 12 species of bats – including through trees being used as roosts and hedgerows acting as flyways. Very limited Greater Horseshoe Bat activity was however reported in this area – supporting the research findings of Natural England. The design of the development respects these significant routes and provisions and does not unacceptably impact upon them. Existing hedges and tree belts remain largely intact and Condition 9 of the outline application requires submission of details for all external lighting to minimise light spill onto hedgerows and safeguard foraging paths for bats. This condition has not yet been discharged and will be a matter for later consideration when details are formally submitted.

- 3.81 The proposed wildlife buffer zone has also been designed to accord with Condition 8 attached to Appeal Decision APP/P1133/W/18/3207470 - *"The development shall be carried out in accordance with the mitigation strategy contained in the Ecology Report, Including Bat Survey And Greater Horse-shoe Bat Mitigation Scheme, dated 6 September 2017."*
- 3.82 Significant objection has been raised to the development of the site and the loss of County Wildlife Standard (CWS) MG5 grassland / priority habitat. The Devon Wildlife Trust has also raised objection to the loss of the MG5 Grassland.
- 3.83 TDC Biodiversity Officer in their initial consultation response for this application confirmed that application site has been identified as County Wildlife Site standard rich semi-improved to unimproved grassland (NVC category MG5), a priority habitat, the majority of which will be lost to the development. They note that there is reference to the grassland in the ecological survey ('Ecological Report and Greater Horseshoe Bat Mitigation Scheme', by George Bemment Associates, dated Sept 2017) approved in the outline application, which has re-submitted as part of the RMA proposals.
- 3.84 The approved Ecology Report concentrates solely on bats and other protected species and there is no discussion of providing compensation for the loss of the grassland.
- 3.85 It was therefore recommended by the TDC Biodiversity Officer that the applicant be required to submit a detail of proposed compensation for the loss of grassland habitat, accompanied by Biodiversity Metric calculations showing a net gain.
- 3.86 As set out previously, the Outline planning application was refused by the Planning Committee. The applicant appealed that decision and the Inspector allowed the appeal. The Biodiversity Officer's consultation response on the outline application did not raise any significant issues of concern regarding the grassland and did not recommend any conditions/requirements/mitigation etc.
- 3.87 When the appeal was allowed the Inspector imposed a condition requiring the development to be undertaken in accordance with approved Ecological Survey ('Ecological Report and Greater Horseshoe Bat Mitigation Scheme', by George Bemment Associates, dated Sept 2017). **There was no requirement in the approved Ecological Survey or as part of the appeal decision that required the applicant to retain the grassland or to provide compensation.**
- 3.88 Letters of representation have suggested that ecology reports for an earlier development at this site (13/02292) are referred to in the outline approved Ecology Survey and therefore there is the ability at RMA stage for the LPA to require retention and/or compensation.
- 3.89 In 2013, application 13/02292 (which was for a larger area) submitted three ecological reports and a Bat and Dormouse Report by Bluebell Ecology:
- The July 2013 Preliminary Ecological Appraisal by Sunflower International recognises the diversity of the 2 'North of Indio' fields, one of which, at the time was to be retained as POS. It recommends mitigation for species but not for habitats; and

- The November 2013 Preliminary Ecological Appraisal by Sunflower International recommends: “Such is the complexity of the site that a wildlife and habitat management plan will need to be produced for the site” and “5.2 The needs of the Local Authority could, I believe, be met by retention of as much of the old grassland as possible to the north of the main drive – particularly the north-western field that adjoins St Johns Close.” These two fields recommended for retention are of course the two fields that were later granted permission at appeal.

- 3.90 Having assessed all the available evidence and information, it is Officer view that the assessments undertaken in 2013 making recommendation to retain the two fields that are then allocated through the Local Plan and granted permission by the Inspector under the outline consent, is not sufficient grounding for now requiring off-site compensation for their loss, as this should have been addressed specifically in the Local Plan or the 2017 application and by the Inspector.
- 3.91 Imposing a requirement to compensate for the loss of the grassland at RMA stage would not be reasonable as it is not an issue that is specifically addressed though the approved Ecology Survey or a requirement of the Inspector in the conditions imposed at appeal. In addition to this, a financial contribution for the delivery of off-site compensatory habitat would need to be secured through a S106 agreement and this cannot be imposed at RMA stage.
- 3.92 It is also important to note, that while this site is classified as a priority habitat, there is no protection for the grassland, the applicants could legally cut or spray the grassland and remove its current wildlife interest.
- 3.93 Notwithstanding the above, the greatest effort has been made to consider steps that can be taken within the scope of the RMA application. The following options have been discussed with the applicant and the TDC Biodiversity Officer
- a) Provide additional biodiversity within the site: The TDC Biodiversity Officer has advised they have secured everything they can and there is no room left for further biodiversity enhancements
 - b) Remove the area of grassland to be developed and translocate it to another site – The TDC Biodiversity Officer would require an available site for this to be undertaken. This approach would also be subject to conditions and require the applicant to work with a third party which would be out of the scope of the RMA application.
 - c) Retained areas of grassland that are not being developed and positioning of protective fencing before site before site clearance commences.
- 3.94 Taking into consideration the scope of the RMA application, it is considered that option c) provides the right solution and would provide some protection of the grassland that can be retained. Following this, the applicant has prepared a grassland retention and protection drawing (below).



3.95 The planting scheme has been updated to take account of the grassland retention. The TDC Biodiversity Officer has raised no objections to the grassland retention drawing and this approach to retaining the remaining grassland.

3.96 The northern boundary, where Area D is shown, would incorporate the proposed drainage attenuation tanks for the site drainage proposals. The planting scheme has also been revised to incorporate instructions for lifting and storing the existing grassland turf for relaying over the attenuation system and service runs.

3.97 Subject to conditions, it is considered that the proposed solution is a reasonable approach to retaining any remaining grassland and there are no ecological reasons for the refusal of this application.

Affordable Housing

3.98 The outline application is subject to a S106 agreement to provide 30% affordable housing with a tenure split of 70% affordable rented and 30% intermediate. The S106 requires that two of the affordable units should be constructed to accessible and adaptable standard Approved Document M4(2) Category 2.

3.99 The application includes 5 rented units and 2 shared ownership, including one of the one bed flats and a two bed house designed to M4(2). The proposal is therefore policy compliant and meets the requirements of the S106 agreement.

3.100 The TDC Housing Enabling Officer initially raised concerns regarding the size mix and layout of the affordable units and the parking arrangements. However, following significant improvements to the housing mix and distribution, the TDC Housing Enabling Officer has confirmed that they have no objections.

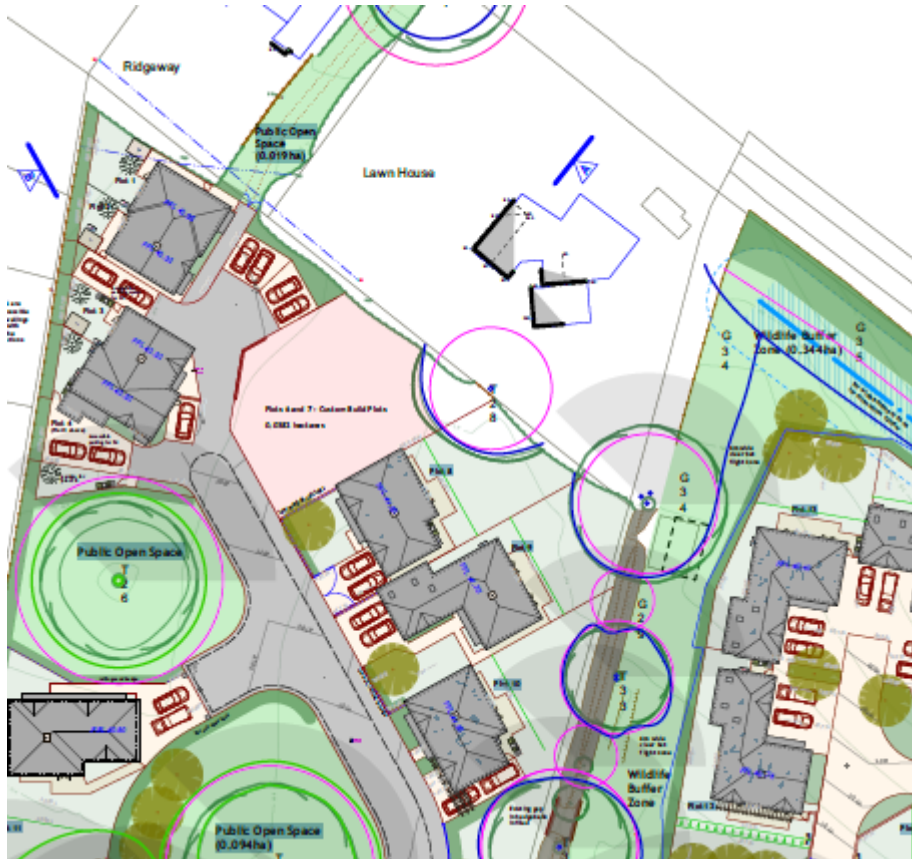
- 3.101 All AH units have on-plot parking except plots 1 and 2 which have off-plot dedicated parking close to the property frontage.



- 3.102 While it would be desirable to have this on-plot, it is not essential and the TDC Housing Enabling Officer has confirmed that this is not a matter we would seek to resist the proposals on or would deter a Registered Provider (RP) from taking the plots.
- 3.103 Another matter that has arisen is the relationship of the custom build plots to the AH units at Plots 1-5. It has been recently highlighted at another site where an RP has declined to take a number of affordable units on a site where they were close to custom build plots. The relationship at this site is better than this scheme, however, as the Custom Build Plots have a 5 year RMA period, concern is raised regarding heavy plant machinery servicing the custom sites while the AH units are occupied.
- 3.104 The TDC Housing Enabler has advised the impact could be minimised by providing the custom build plots as water tight shells. However, while the applicant would be agreeable to this, the S106 agreement requires the plots to have necessary services connections to the boundary, including access and utility services. The applicant has advised that they already have interest in the custom build plots and therefore it is likely that RMA applications would follow quickly. They have also discussed their AH provisions with their potential RP who have advised they are interested in these plots.
- 3.105 While it is accepted that there will be some disruption during the build process, it is considered there is reasonable separation. A condition of the outline application is for the submission of a Construction Management Plan and this can incorporate measures to manage to construction of the custom build plots also.
- 3.106 On balance, whilst it is acknowledged that the properties around the custom building will have some disturbance during the construction period, this will be for a temporary period and is not considered to be a reason to withhold RM approval.
- 3.107 For the reasons set out above, the proposed development is considered to accord with Local Plan policy WE4 (Inclusive Design and Layout).

Custom Build

- 3.108 The Section 106 agreement attached to the outline planning permission secured the provision of 5% custom build plots. With a development of 22 dwellings, this equates to 2 plots.
- 3.109 The 2 Custom and Self Build plots are situated in the north west corner of the site and are easily accessed from the internal road.



Open space

- 3.110 The requirements for open space and landscaping is set by a condition of the outline consent.
- 3.111 Condition 13 requires full details for open space and landscaping in accordance with Policy WE11. The condition states that these details shall include measures to support biodiversity enhancements to including the provision of bat/bird boxes and shall specify the amount, delivery specification, and management specification of the open space, play, and landscape provision as well as a timetable for their implementation.
- 3.112 Policy WE11: Green Infrastructure require, inter alia,:
- d) residential development will provide at least 10 square metres per dwelling of childrens' and young persons' play space plus any specific requirements set out in a site allocation policy;



Stepping posts CPCL The Children's Playground Company
Reference number : 2.004



Stilts CPCL The Children's Playground Company
Reference number : 2.005



Climbing Tree Triangular Net Unit CPCL The Children's Playground Company
Reference number : 2.043



Floating Triangle CPCL The Children's Playground Company
Reference number : 2.023



Balancing Beam CPCL The Children's Playground Company
Reference number : 2.001



Bench CPCL The Children's Playground Company
Reference number : 0.001



Slatted Litter Bin - Playable

- 3.115 The play area is well located to be screened from views from the listed Indio House. Taking into account the size of this development and the tree and ecological constraints within the site there are clear limitations to the size of formal play that can be provided, its location and type of equipment.
- 3.116 The proposed play area has been carefully designed to ensure it can be sited below a mature Oak trees without causing harm to its root protection area while providing an area of play that is well designed and balanced with the wildlife meadow area it sits within.
- 3.117 On balance, it is considered that the provision of formal and informal space provided satisfies the outline requirement. Condition 13 of the outline consent also requires a management specification and for the open space to be managed for the lifetime of the development. The planting scheme includes an establishment maintenance scheme for up to 5 years with details set out confirming a management company would be appointed to implement maintenance and management measures post construction. The principle of this approach is acceptable, however, further details are required to secure on-going management and therefore a condition is recommended to be imposed to obtain this.
- 3.118 The proposed development is considered to offer an acceptable level of informal space and play in the development, which satisfies the requirements of the outline application and is acceptable with regards to the requirements of policy WE11 (Green Infrastructure).

Highways

- 3.119 Policy S1 of the TLP requires development to be accessible by walking, cycling and public transport, particularly work, shopping, leisure and education and to not harm highway safety or create unacceptable levels of congestion. Policy S9 seeks to

encourage sustainable transport choices through an integrated approach to transport.

Access and the outline consent

3.120 Detailed access has been approved as part of the outline application and therefore **is not** a matter for consideration under the current RMA proposals. The access to the site, traffic generation and impact of this development on Indio House were all considered by the Inspector who found these matters to be policy compliant when approving the application.

3.121 Although there has been strong local objection to highway impact of this development, access was approved as part of the outline planning permission and cannot be revoked through this Reserved Matters application.

3.122 In addressing access in the appeal, the Inspector imposed conditions of the outline application to ensure that works are not undertaken to the existing private drive which the development would be served from:

11. No works pursuant to this planning permission shall be undertaken to the private drive serving the site, including the provision of service runs.

3.123 A condition has also be imposed to ensure that the private drive is maintained and managed:

16. Prior to the occupation of any dwelling hereby approved details of a scheme for the maintenance and management of the private drive shall be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented as approved for the lifetime of the development.

3.124 In addition, the outline application also requires an improvement scheme for the junction with Newton Road, prior to commencement of any development:

5. No development shall commence until an improvement scheme for the junction with Newton Road has been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for its implementation, which at the latest shall be prior to the first occupation of any dwelling hereby approved.

3.125 The current Reserved Matters application accords with the approved access arrangements and includes details of the internal road network which are also considered to be acceptable.

3.126 Condition 7 attached to the outline planning permission requires a Construction Management Plan to be submitted to and agreed in writing prior to the commencement of development:

7. No development shall commence until a construction management plan has been submitted to and approved in writing by the local planning authority. It shall specify the following:

- *details, including plans, of tree protection measures and fencing;*
- *loading and unloading of plant and machinery;*
- *facilities for the storage of plant, machinery, and construction materials;*

- *the erection and maintenance of security hoardings and protection measures for the gates and piers at the junction with Newton Road;*
- *wheel washing facilities, and*
- *measures to control the emission of dust and dirt during construction.*
- *The development shall be carried out in accordance with the approved details.*

3.127 These conditions have not yet been discharged and any Reserved Matters approval will remain to be subject to the conditions on the outline planning permission.

3.128 The Highway Authority has requested further details before they can comment on access arrangements. These details will come forward when a submission is made to discharge the above conditions.

3.129 Parking spaces are provided in the range of 4 bedroom dwelling (3 spaces) 2 and 3 bedroom dwelling (2 spaces) and one bedroom (1 space). Visitor spaces have also been provided. The parking proposed in the development is considered to be sufficient.

3.130 It is therefore considered by Officers that the technical details of the application accords with Policy S1.

Cycle links

3.131 Policy BT2A requires c) a safe pedestrian and cycle access to the town centre.

3.132 Letters of representation, including from Bovey Tracey Town Council have raised concerns regarding the absence of a direct link

3.133 The applicant has advised that a link via Marsh lane has been explored, however, this is third party land and they do not have rights to create a route from the site using this lane.

3.134 In considering the outline permission, significant weight must be given to the fact that the Inspector did not impose any conditions requiring additional pedestrian and cycle links to be provided.

3.135 Having reviewed the Inspectors decision letter, it appears that the accessibility of the site was a consideration and the Inspector accepted that the existing drive serving Indio House would provide an adequate pedestrian and cycle link to the town centre:

"In my view, this route would allow for a pleasant walk or cycle from the appeal site to Newton Road. Pedestrians and cyclists would only be a little further from the town centre than would have been the case if an alternative access were utilised, such as through St John's Close. The development would be located in an area with a semi-rural feel and, in this environment, the lack of street lighting along the private drive would not significantly discourage its use by those not traveling in vehicles."

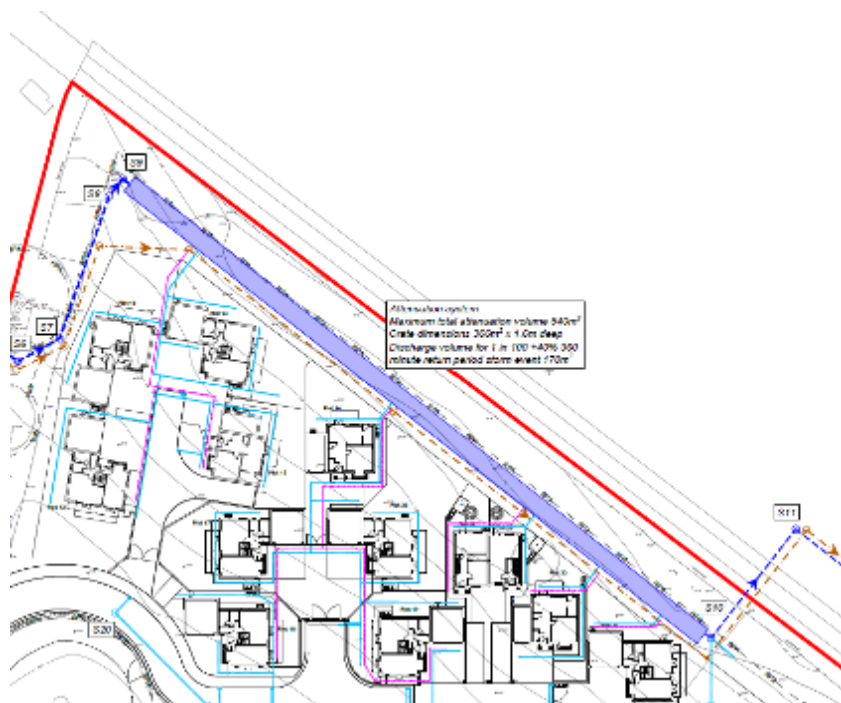
He also stated: *"On this second main issue I therefore conclude that the private drive would be adequate to serve the development and that the setting of Indio House would not be harmed. There would be no conflict with Policies S1, S2, or*

EN5 of the LP. Together these seek to ensure development is suitably located including in respect of accessibility by walking and cycling and meets the needs of pedestrians and cyclists, maintains the character and historic interest of the area, and takes account of the significance, character and setting of heritage assets. For similar reasons there would also not be conflict with the Framework.

- 3.136 It can therefore be concluded that the requirement of Policy BT2A c) has been considered at outline stage.

Drainage

- 3.137 Policy S6: Resilience requires development to take account of likely climate change impacts in assessing the flood risk of developments.
- 3.138 Condition 14 imposed on the outline application required full details for foul and surface water to be submitted, to include details for the construction phase.
- 3.139 DCC Leading Local Flood Authority (LLFA) initially raised objection, requesting further information to be provided. In response, the applicant has submitted a revised drainage strategy.
- 3.139 A scheme setting out a drainage strategy has been received. This shows that the site could be developed with no unacceptable impact on flood risk on or off-site. Devon County Council has raised some concerns about this scheme in relation to their guidance and best practice and dialogue about this is ongoing.
- 3.140 The revised proposals incorporate an attenuation system in the form of underground creates along the northern boundary:



- 3.141 Consultations responses from DCC Leading Local Flood Authority (LLFA) and TDC Drainage are pending and further developments in this technical dialogue will be reported to Members.

- 3.142 There are not considered to be any drainage reasons for refusal of the application, subject to the requirement of Condition 14 being satisfied.

Sustainable Development / Carbon Reduction and Waste Audit

- 3.143 Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025. Policies S7 and EN3 of the Local Plan set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 states the Council seeks to achieve a reduction in carbon emissions by 42% by 2030 – updated to reflect national targets to 48%. The outline permission was granted prior to the updated calculator being prepared. It is recommended that a condition is imposed requiring the submission of a Carbon Reduction Plan to address this requirement however the inclusion of heat pumps is welcomed.
- 3.144 The TDC EV charging guidance document also requires that all new residential developments with off-street parking shall be supplied with passive EV charging. The definition of passive EV charging would include the provision of a connection point on the main electricity board and installation of cabling and ducting between the main board and an AC isolator installed in a suitable location ready for the future application of a 32A EV charger. It is recommended a condition is imposed to require passive EV charging in accordance with TDC guidance.
- 3.145 Policy W4 of the Devon Waste Plan requires that major applications are accompanied by a waste audit statement to demonstrate how waste from the construction and operational stages will be sustainably managed. The outline application, under condition 16, requires a Waste Audit statement to be submitted. A Waste Audit Statement has been provided which sets out how waste generated from the dwellings would be managed. DCC Waste has made some observations in their consultation response which the applicant has addressed in a revised statement. An update will be made to Members at Planning Committee.

Summary

- 3.146 The application site is allocated for housing under Policy BT2A. Outline planning permission has also been granted at appeal for up to 30 dwellings. **There can therefore be no in-principle objection to the development of the site.**
- 3.147 The BT2A allocation has been examined and gone through a process of comparison with other prospective sites. In that context, **some impact on the setting, and thereby the significance, of nearby listed buildings must have been factored in when the allocation was found sound.** The proposed development is considered to be of an appropriate density for this site and is designed sensitively around existing mature trees, incorporating hedge and wildlife buffers. **Officers consider there is nothing in the design of the scheme that makes its impact more harmful than it should be.**
- 3.148 **Detailed access has been approved as part of the outline application and therefore is not a matter for consideration under the current RMA proposals.** The access to the site, traffic generation and impact of this development on Indio House were all considered by the Inspector who found these matters to be policy complaint when approving the application.

- 3.149 The protected trees and hedges throughout and surrounding the site will ensure that the development of the site will be quickly assimilated into the landscape. Whilst this small area of green field will be lost to development, its discrete and well screened location is such that, this development would be assimilated within the wider landscape without having any unacceptable impact on the area. While letters of representation have raised concerns regarding the impact of a housing development in the landscape, **significant weight must be given to the fact that this site is allocated for development by the Local Plan and it has outline planning permission for up to 30 dwellings.**
- 3.150 A small number of trees are proposed to be lost in relation the application but, on balance, these losses are considered acceptable in relation to the development overall. Granting permission for the subject application does not grant consent for further tree removals. Separate consent would be needed for any **additional** tree removals relating to TPO trees.
- 3.151 The site is located within a Substance Zone and adjacent to a Strategic Flyway for the Greater Horseshoe Bat. The Local Planning Authority as Competent Authority for the purposes of the 2017 Habitat Regulations has screened this development and has confirmed that there would be no “likely significant effect” on their own or in combination with other plans and projects on the integrity of the designated European site (South Hams SAC).
- 3.152 Significant local concern has been raised regarding the loss of CWS standard MG5 grassland, a priority habitat. While weight has been given to significant representation from residents and the Devon Wildlife Trust, **substantial weight has given to the outline application and the approved ecology survey that does not require any compensation to be delivered** and also the ability to provide any further compensation to address this matter under the scope of a RMA. The solution to retain the areas of grassland which will not be developed is considered a suitable solution for the site and the TDC Biodiversity Officer has raised no objections to the submitted grassland retention drawing.
- 3.153 It is also considered that the relationship of the development to surrounding residential properties is acceptable and that the proposals in their revised form offer a well-designed development that responds sensitively to the sites well landscaped and historic setting.
- 3.154 There is therefore an officer recommendation to grant reserved matter approval subject to the conditions set out in this report.

4. **POLICY DOCUMENTS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be taken in accordance with the Development Plan (DP) unless other material consideration indicate otherwise.
- 4.2 The DP policies relevant to this proposal comprises the Teignbridge Local Plan 2013-2031 (TLP), adopted in May 2014.

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A (Presumption in favour of Sustainable Development)
S1 (Sustainable Development Criteria)
S2 (Quality Development)
S4 (Land for New Homes)
S6 (Resilience)
S7 (Carbon Emission Targets)
S9 (Sustainable Transport)

STRATEGY PLACES

S19 (Bovey Tracey)

WELLBEING – HOUSING

WE1 (Housing Plan, Monitor and Manage)
WE2 (Affordable Housing Site Targets)
WE4 (Inclusive Design and Layout)
WE7 (Custom Build Dwellings)

WELLBEING - INFRASTRUCTURE

WE11 (Green Infrastructure)

QUALITY ENVIRONMENT

EN2A (Landscape Protection and Enhancement)
EN3 Carbon Reduction Plans
EN4 (Flood Risk)
EN5 (Heritage Assets)
EN6 (Air Quality)
EN7 (Contaminated Land)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

HEART OF TEIGNBRIDGE

HT1 (Heart of Teignbridge – Movement)
HT3 (Heart of Teignbridge – Green Infrastructure)

BOVEY TRACEY

BT2A North of Indio House

4.3 Other relevant policy/legislative considerations

Devon Waste Plan

National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

National Design Guide 2019

4.4 The Bovey Tracey Bovey Parish Neighbourhood Plan 2021-2033 (Pre-submission version) August 2020 is also a material consideration. The key policies are listed below:

- BPNP Policy H1 -Affordable housing
- BPNP Policy H3 -Provision of storage
- BPNP Policy H4 - Open space
- BPNP Policy H5 -Sustainable homes
- BPNP Policy LE1 – Protection and enhancement of landscape
- BPNP Policy LE2 – Tranquillity and dark skies
- BPNP Policy LE3 – Native hedgerows and Devon banks
- BPNP Policy LE4 – There shall be a net gain in priority habitat and species
- BPNP Policy LE5 – Wildlife-friendly development
- BPNP Policy LE7 – Protection of bat flyways
- BPNP Policy LE8 – Protection of views
- BPNP Policy LE12 – Provision of green infrastructure
- BPNP Policy LE15 – Sustainable energy
- BPNP Policy T1 - Highway Safety and Environmental Impact
- BPNP Policy T2 – Traffic Management
- BPNP Policy T3 - Sustainable Travel

5. CONSULTEES

5.1 The application was submitted in April 2020 and has been through numerous phases of consultation. The most up-to-date are listed below. A full set of complete responses is available to view on the Council's website.

TDC LANDSCAPE (26/05/2021)

The revised proposals have addressed all the earlier landscape comments and I have no further concerns.

TDC TREES (12/05/2021)

Provided plot 11 is deleted there are no arboricultural objections to the proposal.

TDC CONSERVATION (25/06/2020)

A pre-appeal Heritage Statement written in July 2013 and updated in July 2017 analyses the significance of Indio House and contribution to that significance made by its setting (4.3-4.10). Assessing that views to the NE, SE, and SW were important considerations in design the NW (the development area) was not. Despite contrary conclusions in 5.3 due to confusion whether the development was in the north west (here), or in the southwest (13/02292 MAJ) the overall contribution to setting is assessed as 'it is not anticipated that the proposed scheme will impact upon the significance of these assets through changes to setting' (5.7). This is somewhat perverse as it is clear from the Maps illustrated in the heritage statement that the house existed, and always existed since its construction in 1850 in its closely defined envelope; this is shown best in Figure 3 where the estate land in 1839 formed a cordon sanitaire around the house, which with the exception of a small area around Indio Road remains undeveloped to this day. The development is a clear incursion into the setting.

Despite the impact upon the house and its setting by the development the argument was lost at appeal (18/00041 REF), and indeed before at the local plan stage. The inspector ignored the counter heritage evidence, because in his decision 'it is reasonable to assume that the effect of housing on the setting of Indio House was part of the balance of considerations through the preparation and ultimately the adoption of the plan' (para 17); and more cogently 'There has been a general concern that housing development on the site would adversely affect the setting of Indio House. However, as I have indicated above, that would have been a matter considered through the preparation of the Local Plan. This is not something that should be for reconsideration through the determination of a planning application or appeal' (para 21). Thus, historic environment considerations, outside the archaeological condition for pre-commencement works, are nullified here.

This consultation report is written without the benefit of a site visit due to the current Covid-19 regulations.

TDC BIODIVERSITY (30/06/2020)

SUMMARY

There is a **biodiversity objection** primarily on the grounds of uncompensated loss of priority grassland habitat which also serves as bat foraging habitat. If the proposal is approved, biodiversity conditions will be needed.

ISSUES/DESIGNATIONS

Questions:

I am concerned at the potential for installation of the underground attenuation feature to damage tree roots from the northern boundary and for post-installation conflict as the proposed trees to be planted in the wildlife buffer zone grow. I believe the Tree Officer has also commented on this. Can the applicant supply further information to allay our fears?

The proposed location of the self-build plots is not clear from the block plan – are they included amongst the dwellings shown, or will they be in addition to this, eating into what the plans currently show as green space?

South Hams SAC and Bats

Two thirds of site is within the Sustainance Zone of the Haytor and Smallacombe SAC Roost. The rest of the site is within SAC Landscape Connectivity Zone. A Strategic Flyway (along the River Bovey /Bovey floodplain) abuts the northern site boundary. The 2017 bat activity survey found greater horseshoe bat activity mostly along the northern boundary (28 passes) and along the central hedge (10 passes).

I have undertaken a Habitat Regulations screening which concludes that a Significant Effect on the South Hams SAC is Unlikely.

Eleven+ other species of bat were also recorded, generally in much greater numbers than GH bats. There was again much activity along the northern and central hedges. This mirrored the results of the earlier, 2013, survey. Also, lesser horseshoe bats were found in quite high numbers for this rare species. Although the 2017 survey is now getting rather old, I am happy to accept it to inform the avoidance, mitigation and compensation measures needed and outlined in the report.

A number of trees were classed as having High potential as bat roosts, one with a confirmed pipistrelle roost. More detailed surveys must be undertaken once it is known which trees are to be felled/managed. Mitigation and compensation measures will be needed for impacts on any roosts found.

A suite of conditions is needed to secure retention and management of features used by bats and dark corridors to enable light-averse species to continue to use flyways. Green spaces retained on site may still be usable by some species for foraging, but there will be a net loss of foraging area.

CWS standard MG5 grassland / priority habitat

The two fields have been identified as County Wildlife Site standard rich semi-improved to unimproved grassland (NVC category MG5) This is a priority habitat, the majority of which will be lost to the development. There is no discussion of this in the Ecological Report which concentrates on bats and other protected species. There is no discussion of providing compensation for the loss of the grassland. Please invite the applicant to submit detail of proposed compensation for the loss of grassland habitat, accompanied by Biodiversity Metric calculations showing a net gain.

POLICIES THAT APPLY

NPPF including paragraphs 170, 175, 176 and 177

177: The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Teignbridge Local Plan Policies:

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

CONDITIONS REQUIRED

If the Council is minded to approve the application, a suite of conditions will be required.

Compensation for grassland habitat loss

Prior to commencement, including site clearance, a Habitat Compensation Scheme shall be submitted to and approved by the Local Planning Authority. The Scheme shall include:

- Calculations of existing biodiversity units, units lost, units retained, units created, and net balance following Government's latest Biodiversity Metric;
- Detail of how net losses will be compensated, to achieve a net biodiversity gain in perpetuity. Details will include a management plan for creating and managing compensatory habitats, who will be responsible for ownership and maintenance and how this will be funded.

Once approved, the Habitat Compensation Scheme shall be implemented.

REASON: To ensure that net biodiversity gain is achieved for loss of priority grassland habitat.

A pre-commencement condition is required as site clearance could result in damage to habitats and features which should be retained.

General Measures

The works, including site clearance, shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report (by George Bemment Associates, dated 6 September 2017; see especially section 6).

To discharge this condition, the applicant must submit a letter from the bat consultant confirming that the required measures have been put in place and are acceptable and photographs of the bat/bird provisions in situ.

REASON: For the benefit of legally protected species.

Bat Roosts in Trees

Prior to removal, surgery or other works to any trees, the trees shall be assessed by a licenced bat worker for presence of bat roosts, including a climbing survey if necessary. For any roosts or potential roosts found the bat worker shall recommend appropriate mitigation measures and these shall be followed before, during and after works to the trees as appropriate.

To discharge this condition, the applicant must submit a letter from the bat consultant confirming that the required measures have been put in place and are acceptable and photographs of the bat/bird provisions in situ.

REASON: For the benefit of legally protected bats and bat roosts.

Lighting Scheme

Prior to commencement, including site clearance, a detailed Lighting Scheme shall be submitted to and approved by the Local Planning Authority. The Strategy shall be developed by a lighting engineer and ecological consultant and shall include:

- Lux contour plans showing existing and proposed light levels in and around the site;
- A map showing the dark areas that will be maintained on site, at 0.5 lux or below, for the benefit of bats and other wildlife. These shall include dark wildlife buffer zones along the northern, central and southern hedges;
- An evidence based assessment of light levels arising from the proposed development including fenestration, any external lighting and vehicle headlamps, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and around the site shown by appropriate isolines;
- Details of how the dark zones and low overall light levels will be achieved, including:
- Absence of street lighting as far as possible;

- Specifications of the luminaires and that light colour temperatures shall not to exceed 2,700 Kelvin, wavelengths to be at least 550nm and no element of UV light. Mounting of lights no higher than 2m and positioned, angled and hooded away from dark areas. External lights to be timed PIR motion activated on short timers (2 minutes max) and set to react to large objects only (i.e. so as not to be triggered by bat and other wildlife);
- Minimisation of amount of fenestration facing towards dark zones, use of low-transmission glass (include product specifications), and placement and type of internal lighting to minimized light spilling towards dark zones;
- Use of opaque fences, walls and/or planting to provide further screening. Details of the proposed screening planting, its establishment and its future management to ensure dark areas in perpetuity, shall be provided;
- Where plot and other boundaries form part of the Lighting Scheme, the boundary specification needed to provide light screening shall be repeated in any submitted Boundaries Plan.

The Lighting Scheme shall be implemented and maintained as approved.

REASON: To protect light-averse bat species.

A pre-commencement condition is required as the lighting strategy may affect the site layout/footprint and as site clearance may destroy vegetation needed as part of the screening.

Construction Lighting

Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e. from April to October inclusive). No lighting shall be left on over-night during the construction phase.

REASON: To permit continued use of the site by light-sensitive bats.

LEMP

Prior to commencement, including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The plan shall provide details of:

- Trees, hedges and other vegetation to be retained, including wildlife buffer zones and Public Open Spaces;
- Protection Zones for tree and hedge roots, and other retained vegetation, buffer zones and POSs to be established and fenced, before commencement including site clearance, and maintained until development works are complete;
- Location and design of bird and bat boxes to be erected;
- Tree, hedge and other planting to be undertaken for wildlife, light screening and landscaping - include planting schedules, species mix, spacing, protection and establishment details;
- Ongoing management scheme for retained and new vegetation, including management for wildlife and to maintain lighting screens;
- Details of who will undertake vegetation establishment and ongoing management;
- Type and locations of bat, bird and bee boxes to be incorporated into houses in clusters at appropriate locations and at a rate of one of each per dwelling;

- Locations of hedgehog holes to be incorporated into every boundary fence and wall.

Once approved, the Plan shall be implemented.

REASON: for the benefit of legally protected species of bats and other wildlife.

A pre-commencement condition is required as site clearance could result in damage to retained habitats and tree roots.

TDC BIODIVERSITY – SCREENING FOR LIKELY SIGNIFICANT EFFECT ON A EUROPEAN SITE (06/2020)

The application proposed the retention of the boundary hedges, with buffer zones. The ecological report explains that the applicant is adopting a dark skies policy for the site. Together these proposals will ensure that GHB bats are still able to follow site boundaries as commuting corridors. Despite the loss of much of the potential foraging habitat on site, it is very unlikely that this proposal would adversely affect the Integrity of the South Hams SAC

Teignbridge District Council concludes that there would **not** be Likely Significant Effects 'alone' or 'in-combination' on features associated with the South Hams SAC.

A full Appropriate Assessment of the plan or proposal will **not** be necessary.

TDC BIODIVERSITY (10/11/2020)

The quantum of compensation required for loss of grassland habitat has been agreed with the developer/developer's ecologist (4 biodiversity units). They are currently exploring ways of delivering this compensation with third parties. I will comment again when definite proposal has been submitted.

TDC BIODIVERSITY OFFICER (03/03/2021)

ISSUES

Offsetting Loss of Grassland Habitat

Discussions regarding the offsetting of loss of grassland habitat are still ongoing. I would ask that permission is not granted until a satisfactory solution has been agreed.

Planting Plans, Drawing numbers: 730/01 Rev B and 730/02 Rev B

It is proposed to plant a number of Beech (*Fagus sylvatica*), Sycamore (*Acer pseudoplatanus*) and English Oak (*Quercus robur*) to the back of the Wildlife Buffer Zone. The Oak are acceptable, but Beech will cast too dense a shade and Sycamore casts shade too early in spring and supports a limited range of invertebrate species.

Therefore please replace the Beech and Sycamore with a selection from: small-leaved lime, field maple, wild service tree, wild cherry, common hawthorn, domestic apple or domestic pear. I realise that most of these will make smaller trees than beech and sycamore, but as tall trees already exist behind I feel they will add structural as well as species variety.

Block Plan 201 Rev K and Block Plan 200 Rev C

These plans indicate that new hedges will be of yew throughout. This is at odds with the two Planting Plans (730/01 Rev B and 730/02 Rev B) which show most new hedges to be of a mix of native hedging plants.

I am happy for a 2.5-3m tall, dense, yew hedge to be grown between the Wildlife Buffer Zone and the development, to act as a screen and help maintain a dark bat flyway corridor. However, it would be preferable to have the mixed native hedging in the western half of the development to maximise wildlife potential and provide landscape/ amenity benefits.

Treatment of Hedge Against Wildlife Buffer Zones

The two Planting Plans seem to differ over the treatment of the hedge against the wildlife buffer zone, with 730/01 showing mixed natives while 730/02 shows yew. I have no objection to this difference, with a yew hedge running east-west and a mixed hedge running north-south, to provide illumination screens.

However, while these hedges are developing their full height (2.5-3m) and density, they must be supplemented with 2m tall opaque fences to provide effective illumination screens. Obviously the fence for the east-west hedge must be erected to the north of the hedge, so the hedging plants get enough sun to thrive. The fences should be removed when the hedges have reached the desired height and density. These factors should be recognised in the Landscape Plan Details and Notes 730/04 Rev B.

TDC BIODIVERSITY OFFICER (19/05/2021)

I have no objection to the submitted CEMP. It does not refer to any wildlife- specific measures, but I had not asked that it should.

TDC BIODIVERSITY OFFICER (25/05/2021)

No objections to the grass retention drawing.

TDC CUSTOM AND SELF BUILD (16/06/2020)

...

Numbers proposed

The reserved matters application form and plans show proposals for 24 dwellings. The applicant argues that the Local Plan allocation of at least 45 homes on the site is unachievable due to the reduced area of developable land available. The outline planning application and successful planning appeal referred to a figure of “up to 30 dwellings”.

Were this proposed 24 dwelling scheme to be deemed acceptable it would only require provision of 1 custom build plot to be policy compliant. The submitted scheme makes reference to incorporating 2 custom build plots, however no further details are provided by the applicant.

Further information set out within the conclusion section below should be requested from the applicant.

Plot sizes

Evidence from the Teignbridge Register demonstrates demand from the custom and self build market is primarily for purchasing plots of suitable size for a detached 3 or 4 bedroom dwelling with garaging.

Phasing

The Council will work with the applicant to understand any challenges to the early phasing and release of the custom build element. Clause 2.2 of the S106 agreement requires the custom build plots to be fully serviced and marketed prior to occupation of 50% of the open market dwellings. The applicant must demonstrate that their phasing takes account of this clause.

...

Conclusion

Please request the applicant's team;

1. Identify the custom build plots
2. Provide a dimensioned red line boundary plan for the relevant plots, identifying plot boundaries suitable for purchaser conveyance purposes.
3. State the measured plot area in sq m
4. Provide a proving plan for each plot, indicating the potential siting and footprint of a suitably sized detached dwelling taking account of associated scaffold / parking / garaging requirements. A footprint from the developer's range of house-types is considered suitable for this purpose. The internal GIA should be stated.

Until these points are resolved **there is a custom build objection** to the current application. I remain keen to work with the applicant to achieve a policy compliant scheme.

TDC HOUSING ENABLER (20/07/2020)

TDC HOUSING ENABLING OFFICER (24/02/2021)

Overview

This response should be read in conjunction with a previous Enabling Team response dated July 2020.

Background

The previous Enabling Team response raised concerns about the appearance, size and on site location of the affordable units. We are grateful that the requested full schedule and breakdown of plot numbers and unit sizes has now been provided with this recently updated submission.

... affordable and market housing must be visually indistinguishable whilst allowing for buildings to be individual and have character. ...

Affordable and market dwellings should be intermixed within the site and concentrations of Affordable Dwellings should be avoided.

...

Conclusion

The application proposes a policy compliant quantum of affordable units and this is welcomed, as is the design of one of the one bed flats and a two bed house to M4(2) accessible and adaptable standard. We also acknowledge confirmation in your breakdown of plot sizes that the affordable units meet NDSS. However concerns remain regarding the mix and layout of the affordable units and the parking arrangements which do not seem to have been addressed. The parking arrangements for the terrace of rented affordable units do not appear to be compliant with requirements for accessible units given that the parking spaces are on the other side of the road. None of the parking spaces for the affordable units are on plot, in disregard of previous Housing Enabling comments and the parking arrangements help to create an impression of the affordable units as of much lower quality and amenity than the market homes.

The clustering of the terrace of much smaller affordable rented units does not meet the requirement for tenure blind design or integration. The breakdown of plot sizes and mix shows the 3 bedroom affordable units as semi-detached and 93sqm in size compared to the 3 bedroom open market house which is detached and has a floor area of 134sqm. The open market units are all detached 3 or 4 bedroom houses with garages and on-site parking which make them clearly distinguishable from the affordable homes. We are also concerned that the 2 self-build plots 6 and 7 are next to the rented units plots 1-5. Registered providers have raised concerns that construction traffic and noise from unbuilt/unfinished self-build units will have a detrimental effect on the quiet enjoyment of residents living in plots 1-5.

The Housing Enabling team are not minded to support the affordable provision as it is currently configured and would suggest that the design of the affordable provision is reconsidered. If this was also combined with the inclusion of some smaller market sale units, that would be more affordable for local people then the affordable homes could be more successfully integrated and appear less cramped and clearly identifiable.

DCC WASTE PLANNING (11/05/2021)

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for onsite reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels. Within the Waste Audit Statement submitted, the applicant has made a good attempt to consider the targets for the reuse, recycling and recovery of waste as well as demonstrating the management of waste in accordance with the waste hierarchy.

However, the following points need to be addressed: We note that the applicant has provided information on the amount of demolition and excavation waste that is likely to arise. However, we request that this is done for the construction phase as well.

We note that the applicant has provided information on the type of demolition and excavation waste that is likely to arise. However, we request that this is done for the construction phase as well. The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs.

Provide detail of the waste disposal method including the name and location of the waste disposal site. We want to query the information provided in Figure 3 (Page 5) of the statement on the percentage of domestic household waste being sent to landfill. Our understanding is that all residual household waste generated in Teignbridge gets treated at the Exeter Energy from Waste site and therefore won't be diverted to landfill.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:<https://www.devon.gov.uk/planning/planning-policies/minerals-and-wastepolicy/supplementary-planning-document>

DCC HIGHWAYS (22/05/2020)

...

The access currently has very poor visibility. Condition 5 states “No development shall commence until an improvement scheme for the junction with Newton Road has been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation, which at the latest shall be prior to the first occupation of any dwelling hereby approved.” To date no application has been approved for this improved access by the local planning authority. The County Highway Authority need to be satisfied that a safe and suitable access to the proposed dwellings can be provided. Due to the site being

served off a private driveway it will not be eligible for adoption under a Section 38 Agreement and will have to remain private in perpetuity.

....

DCC ARCHAEOLOGY (28/05/2021 & 24/02/2021)

The consent granted at appeal for the outline planning application 17/02118/MAJ is conditional upon a programme of archaeological work being undertaken - Condition 6.

To date the Historic Environment Team is unaware that this condition has been discharged. As such, I would advise that the applicant is made aware of this outstanding requirement and that this condition needs to be discharged prior to commencing the development of the site.

....

DCC FLOOD AND COASTAL MANAGEMENT TEAM (LLFA) (30/06/2020)

Recommendation:

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy EN4 (Flood Risk) of Teignbridge District Council's Local Plan (2013-2033). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should submit information on the surface water drainage proposals for the site. Information on what we would require can be found in Section 10 of our SuDS for Devon Guidance (2017) found here

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>. We would be happy to provide another substantive response if additional information is submitted to the local planning authority.

NATURAL ENGLAND (08/09/2020)

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

NATURAL ENGLAND (25/02/2021)

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 08 September 2020.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

DEVON GARDENS TRUST (11/02/2021)

We objected to the previous application for outline development of 122 dwellings in August 2013 and the outline application for up to 30 dwellings in September 2013, both of which were refused by your Council. However, this is a reserved matters planning application in accordance with planning appeal reference: APP/P1133/W/18/3207470 that was allowed and planning permission granted on 4th December 2018. We do not wish to comment on the reserved matters.

6. REPRESENTATIONS

- 6.1 The application includes 64 letters of objection and comment (including an objection letter signed by 13 residents) and 9 letters of support. Full copies of all representations are available on the application record. The responses are summarized below:

Comments and objections

- Loss of valued landscape, harm the landscape character and appearance of the area
- Loss of protected (MG5) grassland
- No compensation for the loss of the grassland
- Inadequacy of ecological assessment
- The historic value of MG5 grassland has not been fully considered
- The land owner is already damaging the grassland on site
- Inspector was not given the full facts regarding the MG5 Grassland
- Article 2 of the General Development (Procedure) Order 2015 provides that the details that should be considered on a reserved matters – landscaping would allow the LPA to re-address the retention of the grassland
- The previous ecology report (under application ref: 13/02292/MAJ) should be adhered to
- Poor design, development is not visually attractive, the development will not improve the quality of the area
- Contrary to design, ecology and landscape policies
- The design and layout of the development does not respond to the historic context
- There is no ecological enhancement proposed in this development, contrary to policy
- While an “up to” figure has been given permission, this sets a maximum and not a minimum

- Harm to residential amenity, loss of privacy though overlooking, feeling of being blocked in and enclosed by this development
- Increase in noise from the development
- Disturbance of car lights at night
- Loss of grassland and impact on climate change
- Water run off from the development will cause flooding on adjoining land
- Highway safety, traffic volumes, congestion, conflict on the road and access, pedestrian use of the access is not safe
- No pedestrian or cycle links
- Not a sustainable location
- Impact on birds and bats and other protected species
- Existing infrastructure unable to support the development
- The outline permission should be re-assessed
- Impact on listed buildings and the historic environment
- Co omissions will increase
- Parking provision inadequate
- Discrepancy in statements made in supporting documents
- Services to access the site will have an impact on biodiversity and heritage
- Harm to the quiet tranquility of the area
- Regardless of land ownership, cyclist are likely to access third party land to find quicker routes into town
- Pedestrians walking the private lane would do so in the dark which is dangerous
- The quality of life of existing residents have not been considered in terms of the change in character of this site, movements, lighting, presence of properties and feeling overlooked
- Impact upon TPO trees

Support

- Great addition to the Town
- New homes are need
- Nice to see homes built within a lovely area
- Site is not in a flood plain
- This development will provide high quality housing
- More preferable development to other high density schemes
- This local builder has built on 2 sites in Bovey Tracey, the houses were well designed and of excellent quality and this site would be of the same standard. I therefore think this should be allowed to be built.

7. TOWN / PARISH COUNCIL'S COMMENTS

7.1. Bovey Tracey Town Council (18/05/2020)

- Adverse impact on wildlife, habitats, trees, and other vegetation
- Harm to rare plants/animals
- Lack of infrastructure capacity
- Harmful to the setting of a listed building and its curtilage
- The site has significant archaeological and heritage value
- Increased traffic generation

- Overall impact on the environment following the Town Councils climate emergency declaration

7.2. **Bovey Tracey Town Council (22/02/2021)**

Resolved:

Following discussions it was agreed to defer the application for consideration on 8th March 2021 and for the Town Clerk to:

- Further investigate parishioner/Biodiversity Officer concerns in relation to MG5 grassland – contacting CEBH/Devon Wildlife Trust for comments
- Request further information/images to better display landscaping (if available)
- Investigate reference to MG5 grassland in local and national plans

7.3. **Bovey Tracey Town Council (08/03/2021)**

- 20/00647/MAJ (Deferred) Approval of details for 22 dwellings and associated works (approval sought for appearance, scale, landscaping and layout); Land North of Indio House, Newton Road, Bovey Tracey.

Observations:

The Town Council continues to object to the application, making the following observations:

- MG5 Grassland – We support the Biodiversity Officer's objections in particular where it relates to the loss of MG5 grassland. The two fields are identified as County Wildlife Site standard rich semi-improved to unimproved grassland (category MG5) which is priority habitat, the majority of which will be lost to development. We are yet to understand from the documents submitted whether or not the applicant has committed to compensate for the loss of grassland elsewhere and therefore support the need for a Habitat Compensation Scheme to ensure that net biodiversity gain is achieved for any loss of priority grassland habitat. This is also echoed in the emerging Neighbourhood Development Plan (Policy LE4)
- No suggestion of solar panels within the appearance and layout documents – Although it is noted that Air Source Heat pumps are proposed, currently the lack of solar PV is a missed opportunity (emerging Neighbourhood Development Plan Policy H5). This is the ideal opportunity to install, rather than retrospectively fit.
- The emerging Neighbourhood Plan requires the provision of discrete cycle storage/ refuse and recycling storage that is both secure and aesthetically pleasing (Policy H3).
- The emerging Neighbourhood Plan requires developments of above 10 units to be designed to maximise walking and cycling and to encourage health benefits which arise from access to green space (Policy H4). From the application this still appears an uncertainty due to ongoing discussions with landowners that a cycle/pedestrian link to Marsh Path will be successfully delivered.

8. COMMUNITY INFRASTRUCTURE LEVY

- 8.1 The application is liable for CIL which will be calculated when the CIL Liability Notice is issued.
- 8.2 The CIL liability for the custom build plots (Plot P6 and P7) will be calculated when the reserved matters applications are submitted for these plots.

9. ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. CARBON/ CLIMATE IMPACT

- 11.1 The Carbon and Climate impact of this development has been considered in the Observations section of this report, and subject to conditions, the development is considered to satisfactorily address these matters.

11. HUMAN RIGHTS ACT

- 11.1 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place